

COMMENTS

1. Objections to the Abstract

The Abstract was objected to as exceeding 150 words and as containing legal phraseology such as “comprising” and “wherein.” The original Abstract has now been deleted and replaced with a replacement Abstract. The replacement Abstract is believed to be in appropriate form and format.

2. Objections to the Specification

The disclosure was objected to because, it was stated, the specification lacks a brief description of the drawings. Applicant is puzzled by this objection. A review of the application as filed indicates that the Brief Description of the Drawings appears on page 6 of the specification. The same brief description appears at paragraphs 27-29 of the published application corresponding to this application. Accordingly, Applicant believes that this objection was made in error and requests its withdrawal.

3. Objections to the Drawings

The drawings were objected to because they include reference number 32, which was not mentioned in the description. Review indicates that the specification contained a typographical error on page 6 wherein the numeral 33 was typed instead of the intended numeral 32. The specification has now been corrected and withdrawal of this objection is requested.

The drawings were further objected to because they failed to show receiving unit 33 as described on page 6 of the specification. Correction of the typographical error discussed above also has obviated this objection and withdrawal is requested.

The drawings also were objected to because reference character 48 was used to designate both a path and useful data according to page 7 of the specification. The specification has now been amended at page 7 to recite more clearly the intended meaning. Specifically, the language on page 7 that originally read “a corresponding feature is associated with the useful data 48 via path 54” has been amended to read “a corresponding feature is associated with the useful data formerly passed via path 48 and is passed via path 54.” It is believed that this amendment obviates the objection to the drawings and withdrawal of the objection is requested.

4. Status of the Claims

Claims 1-15 remain pending in the application. Claims 14 and 15 have been amended.

5. Claim Rejections

Claims 1-10 and 12-14 were rejected under 35 USC §102(b) as being anticipated by Thibadeau et al. (US 5,565,909 A). Claim 11 was rejected under 35 USC §103(a) as being unpatentable over Thibadeau et al. in view of ETSI TS 102 201 V1.1.1. Finally, claim 15 was rejected under 35 USC §103(a) as being anticipated by Thibadeau et al. in view of Ellis et al. (US 7,185,355).

Applicant has conducted a careful review of the above cited references and has compared their teachings to the recitations of claims 1-15. Claims 14 and 15 have been amended, not for any reasons related to patentability but rather to render the claims internally consistent. Applicant respectfully submits that all of the claims, as originally filed and as amended, define over the cited references and thus are allowable. Reconsideration and a notice of allowance are earnestly solicited in view of the following detailed discussion.

6. Arguments

The primary reference in all claim rejections is Thibadeau et al. Thibadeau et al. disclose a method of identifying set-top receivers in which location specific information is used. However, Thibadeau et al. uses this information to filter individual “messages” or “programs” transmitted on a “universal broadcast” of a larger number of programs. More specifically, individual programs within the universal broadcast that may be determined to be of interest to users in a particular locale are supplied by the broadcaster with an embedded location designation code. An individual user is able to enter arbitrary locations of interest into a data processor coupled to his or her receiver. At the receiver, when a program or message has an embedded location designation code that matches one or more of the locations of interest (i.e. there is overlap) entered by a user, then that program or message is allowed to pass to the television, radio, computer, or other device connected to the receiver. Messages or programs with embedded codes that do not match one of the entered locations of interest (i.e. there is

no overlap) are blocked. The user is thus able to tailor his or her receiver to block programs of no relevance to the locations of interest specified by him or her.

The point to note is that the entire disclosure of Thibadeau et al. is directed to selecting, from a large number of available programs on a single universal broadcast, individual programs that may relate to locations of interest specified by a user. There is no disclosure or teaching of multiple transmitters in multiple broadcast areas nor is there any discussion of selecting from among multiple transmitters in different broadcast areas those that likely broadcast programs of interest to a user. In other words, Thibadeau et al. is concerned with filtering individual programs based upon embedded codes in the programs and not with filtering multiple transmissions based upon the broadcast areas of their transmitters.

In stark contrast to the teachings of Thibadeau et al., the present invention, as claimed in independent claim 1, is directed to a transmission-reception system comprising a plurality of transmitters each transmitting digital data that includes useful data (e.g. program content) and first auxiliary data associated with the useful data. The first auxiliary data includes at least one location-specific characteristic parameter, which is related to the broadcast area of the transmitter (e.g. it may be the postal code where the transmitter is located). A receiver receives digital data from the plurality of transmitters and has a location specific unit through which a user may specify a second location-specific characteristic parameter. A feature association unit associates a feature with the useful data from each of the plurality of transmitters. This feature corresponds to the degree of correlation between the first location-specific characteristic

parameter (the broadcast area of the transmitter) and the second location-specific characteristic parameter (a locale of interest specified by a user). The feature corresponding to the degree of correlation allows for dividing (or segregating) the plurality of transmitters in groups of different broadcasting areas. The user is then able to select the transmitter(s) desired by him among the groups to be passed to his television, radio, computer, or other device connected to the receiver. In this way, a user may, for instance, determine that transmitters broadcasting Europe-wide programming are of less interest to him than transmitters broadcasting Germany-wide programming, which may be of less interest than transmitters broadcasting Stuttgart specific programming. The claimed invention allows the user to segregate these transmitters in groups of different broadcasting areas (e.g. Europe, Germany, Stuttgart) and select the transmitter or transmitters whose programming he wishes to enjoy.

Thibadeau et al. fail to disclose all of the elements recited in claim 1. More specifically, Thibadeau et al. do not disclose a plurality of transmitters to be selected among but instead discloses one transmitter transmitting a plurality messages or programs to be selected among. The whole text of Thibadeau et al. relates to messages encoded with information identifying the message as being location specific and not to encoded information related to the broadcast area of each of a plurality of transmitters as claimed. For example, at column 14, lines 29 and 31, Thibadeau et al. describe that a message is received that includes a location designation. At column 8, lines 45 to 49 one can “notice” a message of interest and “ignore” messages which are not of interest. There is no disclosure in Thibadeau et al. that a user can select or

ignore a transmitter from among a plurality of transmitters based upon the broadcasting area of the transmitter as claimed in claim 1.

The fact that Thibadeau et al. disclose a single transmitter and not a plurality of transmitters as claimed is apparent. When speaking about messages from which some might be “ignored” or discarded, Thibadeau et al. appears to refer only to a single transmitter. In that context, see the use of the word “the” in column 8, line 9 and see the figure in the title page showing only one transmitter. The position taken in the Office Action that Thibadeau et al. disclose a plurality of transmitters appears to be a hindsight interpretation of Thibadeau et al. based only on Applicant’s own disclosure, which is improper.

Even if Thibadeau et al. did disclose multiple transmitters (it does not), Thibadeau et al. does not disclose that a plurality of transmitters each transmits first auxiliary data (such as a postal code) that is specific for the transmitter and not only specific for individual messages or programs being broadcast by the transmitter. It thus is not possible with the Thibadeau et al. system to divide or segregate a plurality of transmitters in groups of different broadcasting areas as claimed in claim 1 because there is no encoded or embedded information that distinguishes one transmitters broadcast area from that of another transmitter. The only embedded information taught by Thibadeau et al. is information that can distinguish one message from another.

Since transmitters can not be segregated into groups of different broadcast areas as claimed, it follows that a user is not able to select the transmitter(s) desired by him among the groups, as also claimed in claim 1. Nowhere do Thibadeau et al. disclose any such selection by a user. Even with regard to individual messages, Thibadeau et

al. discloses no selecting steps. Rather, a processing routine appears to be automatically programmed to block or pass messages as a function of the overlap between location information in the message and areas of interest pre-specified by the user (see column 14, lines 43 to 45, block 112 and the particular description in column 14, lines 46 to 57.)

The only similarity between the transmission reception system of claim 1 and the Thibadeau et al. system is the use of location specific characteristics information and a kind (albeit a very different kind) of “correlation” (the presence or absence of an intersection between the two regions in Thibadeau et al.). However, similarities end there. As detailed above, Thibadeau et al. fail to disclose at least multiple transmitters, first auxiliary data indicative of the broadcasting area of each transmitter, dividing the plurality of transmitters in groups of different broadcasting areas, and selecting transmitters desired by a user from among the groups. For at least these reasons, Thibadeau et al. do not anticipate claim 1 and Applicant respectfully requests withdrawal of the rejection under 35 USC §102(b).

Claims 2 – 13 depend from independent claim 1 and inherit all of its limitations. Accordingly, these claims also are allowable for at least the same reasons that claim 1 is allowable. Further, Thibadeau et al. fail to disclose, at least, second auxiliary data associated with the useful data and its use to filter the useful data (claim 3), that the second auxiliary data are correlated with indications to types of television broadcasts (claim 4), that the feature associated with the useful data contains a statement about whether and where the display correlated with the useful data is presented on the

display unit (claim 8), and that each filter unit can be specified by an operator of the receiver (claim 13). For at least all of these reasons, dependent claims 2 – 23 are believed to be allowable.

Claim 14, as amended, also recites a plurality of transmitters and that the feature associated with the useful data allows for dividing the plurality of transmitters in groups of different broadcasting areas, wherein the user is able to select the transmitter(s) desired by him among the groups on a display unit. As detailed above relative to claim 1, these limitations, at least, are not taught or fairly suggested by Thibadeau et al. Claim 14 is thus allowable of Thibadeau et al.

Claim 15, as amended, recites a method of transmitting digital data from a plurality of transmitters to at least one receiver. Claim 15 also recites dividing the plurality of transmitters in groups of different broadcasting areas based on the feature associated with the useful data, wherein the user is able to select the transmitter(s) desired by him among the groups. As discussed above, these features, at least, are not taught or fairly suggested by Thibadeau et al. Therefore, the proposed combination of Ellis et al. with Thibadeau et al. fails to establish a prima facie case of obviousness at least because such a combination would not contain all of the elements of claim 15. Accordingly, claim 15 is allowable over the proposed combination.

Further regarding claim 15, Ellis et al. disclose the use of a preference profile containing a number of preference attributes. A preference level that is indicative of the user's level of interest is associated with each preference attribute. One of the

preference attributes might be the channel of a program (see Abstract of Ellis et al.). However, Ellis et al. describes a passive system in which the receiver makes the preference profile. Ellis et al. do not relate to using information explicitly sent together with the useful data from transmitters. For example, when indicating the preference level of different transmitters, it is the channel, which is tuned to receive a particular transmitter, to which a preference level is attributed. The channel is a feature of a receiver and not a feature of the transmitter or the broadcast area of the transmitter. If one returned to the channel to receive another program, the receiver would maintain the same preference level as before because the system would not “know” that after returning to the channel, the program of another transmitter is received. Thus, grouping transmitters according to their broadcast areas is not possible in Ellis et al.

The Office Action appears to apply improper hindsight when it asserts that the limitation “dividing the plurality of transmitters in groups of different broadcasting areas based on the feature associated with the useful data, wherein the user is able to select the transmitter(s) desired by him among the groups” reads on Ellis et al’s ranking of broadcasted programming. In particular, the receiver of Ellis et al can only choose between channels and not between transmitters of differing broadcast areas as claimed. Moreover, the broadcasting areas of the transmitters are not taken into account at all in the Ellis et al system. In fact, it is not possible in Ellis et al to make the claimed selection since it is not disclosed that any information from the transmitters is used. Therefore, no feature can be associated with the useful data. If no feature is associated with the useful data, how can the above cited limitation of claim 15 read on Ellis et al as asserted. In addition, the user is, according to the feature in claim 15, able to select the

transmitter(s) desired by him among the groups of transmitters. Ellis only discloses the use of a sort order (column 8, lines 5 to 8). However, this includes the use of a list (column 8, line 1) and not of groups as claimed in claim 15. For at least these additional reasons, claim 15 is allowable over the asserted combination of Thibadeau et al. and Ellis et al.

Claim 11 depends from claim 1 and inherits all of its limitations. The proposed combination of ETSI TS 102 201 V1.1.1 with Thibadeau et al. fails to establish a prima facie case of obviousness at least because the combination would not contain all of the limitations of claim 11. Specifically, the limitations of claim 1 are not taught or fairly suggested by Thibadeau et al. (see discussion of claim 1 above) and ETSI TS 102 201 V1.1.1 fails to supply the missing limitations.

CONCLUSION

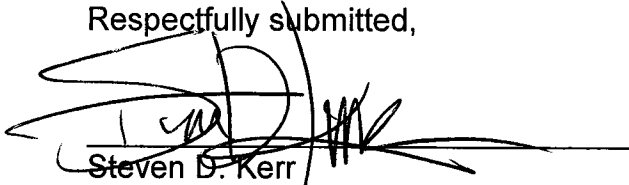
In summary, claims 1-15, as amended, recite a transmission-reception system and method of unique structure and attributes not taught or suggested by the art of record. Accordingly, these claims are believed to be in condition for allowance and an early notice to such effect is earnestly solicited.

The examiner is requested to contact the undersigned counsel if allowance of the claims can be facilitated by examiner's amendment, telephone interview, or otherwise.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Order Account No. 09-0528.

22 February, 2008
Date

Respectfully submitted,


Steven D. Kerr
Reg. No. 32,472
Louis T. Isaf
Reg. No. 29,078
Attorneys for Applicant

Customer No. 26158
Womble Carlyle Sandridge & Rice, PLLC
P.O. Box 7037
Atlanta, GA 30357-0037
Phone: (404) 879-2423
Fax: (404) 879-2923

Attorney Docket No.: M219 1010.2